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EXAMINER

POPHAM, JEFFREY D

ART UNIT

PAPER NUMBER

2437

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/630,162 | <b>Applicant(s)</b><br>HUDIS ET AL. |  |
|                              | <b>Examiner</b><br>JEFFREY D. POPHAM | <b>Art Unit</b><br>2437             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 24,25,27,28,34,36-38 and 40-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24,25,27,28,34,36-38 and 40-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

***Remarks***

Claims 24, 25, 27, 28, 34, 36-38, and 40-45 are pending.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 5/7/2010 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 5/7/2010 have been fully considered but they are not persuasive.

Applicant first provides a review of the claimed invention. Next provided is Applicant's summary of each reference (Glasser and Nowicki). Applicant then argues that "Accordingly, the art of record either singularly or in combination, fail to teach or suggest" the first limitations of claim 24 that are newly added in this amendment. Applicant provides no basis for this argument, other than to provide the non-descriptive block argument that the references do not teach "an act of accessing a first access control list, the first access control list defining rights based on common security rules that principals are to have in an existing non-overlapping zone from among the one or more non-overlapping zones; an act of

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accessing authentication information that specifies the identity of the principals that are to have the rights in the existing non-overlapping zone; an act of authenticating the principals by verifying the identity of the principals by using the authentication information and by verifying that the principals are to have the rights defined in the first access control list”.

Therefore, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant is directed to the rejections provided below in order to see how the references teach the new limitations of the claims.

### ***Claim Objections***

3. Claims 24 and 34 are objected to because of the following informalities: Claim 24 refers to “the new non-overlapping security zones” in the labeling limitation, however, only a single new non-overlapping security zone is present prior to this point in the claim. For purposes of prior art rejection, this has been construed as a singular “the new non-overlapping security zone”. Claim 34 has the same issue and has been construed in the same fashion.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

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35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 34, 38, 40-43, and 45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 34 is directed to a computer program product comprising "one or more computer-readable storage media". Such media are described in the application in an open-ended manner using examples. As the definition of a computer readable storage medium includes a signal, use of such computer readable storage media in the claims includes this interpretation of the media being signals. Therefore, as the computer readable storage media of claim 34 are not inherently physical components (e.g. CD, DVD), the claim is non-statutory. In order to overcome this 101 rejection, simply adding "non-transitory" before "computer-readable storage media" should be sufficient to make the claim statutory. Claims 38, 40-43, and 45 are dependent from claim 34 and do not fix the issue with the computer readable storage media. Therefore, claims 38, 40-43, and 45 are rejected for the same reasons.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24, 25, 27, 28, 34, 36-38, and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasser (U.S. Patent 6,061,684) in view of Nowicki (U.S. Patent 7,146,377).

Regarding Claim 24,

Glasser discloses in a computer system, the computer system including system memory, a processor, and a computer-readable medium, a data store and a method store being stored on the computer-readable medium, the data store and method store arranged together in a combined item hierarchy on the computer-readable medium, the data store having at least one data item that depends from a method in the method store and the method store having at least one method that depends from data in the data store, the combined item hierarchy being divided into one or more non-overlapping security zones, each of the one or more non-overlapping security zones being defined as a grouping of one or more data items and one or more method items having common security rules such that principals with rights to items in a non-overlapping security zone can treat all items in the non-overlapping security zone uniformly in accordance with common security rules, a method of authenticating principal identity and then splitting the one or more non-overlapping security zones into a plurality of non-

overlapping security zones to facilitate more efficient assignment of rights to principals, comprising:

An act of accessing a first ACL, the first ACL defining rights based on common security rules that principals are to have in an existing non-overlapping zone from among the one or more non-overlapping zones (Column 7, line 41 to Column 8, line 39; and Column 9, line 58 to Column 10, line 29; authentication and permission checks for administrators, such permissions for modifying other permissions; authentication and permission checks for a normal user; and/or accessing ACLs for setting permissions by an administrator, as examples);

An act of accessing authentication information that specifies the identity of the principals that are to have the rights in the existing non-overlapping zone (Column 7, line 41 to Column 8, line 39; and Column 9, line 58 to Column 10, line 29; as just described);

An act of authenticating the principals by verifying the identity of the principals by using the authentication information and by verifying that the principals are to have the rights defined in the first ACL (Column 7, line 41 to Column 8, line 39; and Column 9, line 58 to Column 10, line 29; as just described);

An act of identifying a grouping of data items and method items in the combined item hierarchy (Figure 4; and Column 4, lines 20-35; showing that the hierarchical file system includes files,

wherein the files are data files, program files, or other computer information files. Hereafter, any time data and method items are referenced with respect to Glasser, this citation is pertinent, but will not be identified in each instance, in order to provide clear reference to pertinent citations) for which new common security rules are to be enforced, the identified grouping of data items and method items currently included in the existing non-overlapping zone, existing common security rules being enforced within the existing non-overlapping zone, the new common security rules differing from the existing common security rules being enforced within the existing non-overlapping zone (Column 7, lines 41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25; a resource is selected, wherein the resource will be given different rules than the resource's parent (where the parent has an ACL that is inherited by the selected resource) and, likewise, the rest of the resources that inherit the ACL of the parent. The change to rights will include providing the selected resource with a new ACL, which will be propagated and inherited by resources descending from the selected resource);

An act of the processor re-configuring the one or more non-overlapping security zones so that rights can be assigned at a granularity that is finer than an entire database yet coarse enough so as to not require assignment for each item, including:



An act of splitting the existing non-overlapping security zone into a new non-overlapping security zone and a remnant of the existing non-overlapping security zone, the arrangement of the new non-overlapping security zone relative to the remnant of the existing non-overlapping security zone based on the location of the identified grouping of data items and method items within the combined item hierarchy, the new non-overlapping security zone for containing the identified grouping of data items and method items, the remnant of the existing non-overlapping security zone containing at least one data item or method item from the existing non-overlapping security zone, wherein the splitting is restricted in such a way as to prevent overlapping between security zones and such that none of the data items and method items are included in more than one security zone (Figure 4; Column 7, lines 41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25);

For any principals that had existing rights in the existing non-overlapping security zone based on the existing common security rules being enforced in the existing non-overlapping security zone at the time the existing non-overlapping security zone was split, an act of retaining those existing rights in the new non-overlapping security zone, including in the identified grouping of data items and

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method items, subsequent to splitting the existing non-overlapping security zone and subsequent to labeling to represent that the identified grouping of data items and method items are contained in the new non-overlapping security zone (Figures 4-5; Column 7, lines 41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25; in the case of adding a user to the ACL, the previous entities listed in the ACL (the ACL inherited from the ascendant in this case) will still have access, as that previously inherited ACL is copied and then changes are made, such as adding users. The new user is additionally provided with access to the resource and any resources that inherit the ACL of this resource); and

An act of granting one or more other rights in the new non-overlapping security zone to one or more additional principals in accordance with the new common security rules, assigning the other rights to the new non-overlapping security zone collectively granting the other rights to each item in the identified grouping of data items and method items through the assignment of the other rights to the new non-overlapping security zone, the other rights differing from the existing rights (Figures 4-5; Column 7, lines 41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25; in the case of adding a user, this new user is provided with

rights to the resource and any resources that inherit the ACL of this selected resource).

But does not appear to explicitly disclose labeling each of the items in the identified grouping of data items and method items with a security zone enumeration corresponding to the new non-overlapping security zone to represent that the identified grouping of data items and method items are contained in the new non-overlapping security zone.

Nowicki, however, discloses labeling each of the items in the identified grouping of data items and method items with a security zone enumeration corresponding to the new non-overlapping security zone to represent that the identified grouping of data items and method items are contained in the new non-overlapping security zone (Figures 5 and 7; Column 8, lines 25-54; and Column 9, lines 1-9; changing partition identifiers and/or directory identifiers, for example, to indicate that the item is in a specific/new partition or directory); and

That each non-overlapping security zone can contain both method and data items (Column 3, line 61 to Column 4, line 3; Column 6, line 48 to Column 7, line 10; and Column 12, lines 26-36; showing resources being data and method items, placing a slower process in a partition/zone dedicated to slower processes, and that each partition may include both data and method items). It

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would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the partitioning techniques of Nowicki into the access control system of Glasser in order to allow the system to dynamically arrange and rearrange items stored in a file hierarchy in such a manner that they can be moved to a partition dedicated to the particular type of item and the partitions can be merged in the case that multiple partitions are to have the same policies, and/or to allow for explicit designation within a file handle for each file/item as to which partition and directory the file/item currently resides.

Regarding Claim 34,

Claim 34 is a computer program product claim that corresponds to method claim 24 and is rejected for the same reasons.

Regarding Claim 25,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses that specifying the one or more additional principals is performed by the one or more main principals (Column 7, lines 41-54; the user is verified as having appropriate permissions for the resource(s)).

Regarding Claim 38,

Claim 38 is a computer program product claim that corresponds to method claim 25 and is rejected for the same reasons.

Regarding Claim 27,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses the rights being security rights (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 40,

Claim 40 is a computer program product claim that corresponds to method claim 27 and is rejected for the same reasons.

Regarding Claim 28,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses the rights being auditing rights (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 41,

Claim 41 is a computer program product claim that corresponds to method claim 28 and is rejected for the same reasons.

Regarding Claim 36,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses that the existing common security rules comprise a second ACL defining the rights a principal has to the items in the remnant of the existing non-overlapping security zone (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 42,

Claim 42 is a computer program product claim that corresponds to method claim 36 and is rejected for the same reasons.

Regarding Claim 37,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses that the new common security rules comprise a second ACL defining the rights a principal has to the items in the new non-overlapping security zone (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 43,

Claim 43 is a computer program product claim that corresponds to method claim 37 and is rejected for the same reasons.

Regarding Claim 44,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses that the act of granting other rights in the new non-overlapping security zone to one or more additional principals in accordance with the new common security rules comprises an act of granting a set of rights in the non-overlapping security zone to the one or more additional principals so as to collectively grant the set of rights to the one or more additional principals for each item in the new non-overlapping security zone, the set of rights including one or more rights selected from among read, write, delete, and execute (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 45,

Claim 45 is a computer program product claim that corresponds to method claim 44 and is rejected for the same reasons.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey D Popham  
Examiner  
Art Unit 2437

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Examiner, Art Unit 2437